

# ***IDAHO INDUSTRIAL COMMISSION***

**FY 2006  
ANNUAL REPORT**





**Thomas Limbaugh**  
Chairman

Employer  
member

**James F. Kile**

Attorney  
member

**R.D. Maynard**

Employee  
member

In 2005, it became abundantly clear that Idaho's economy was witnessing unprecedented growth driven by a number of factors -- an explosion in the housing market, steady growth in the manufacturing sector, a boom in tourism and record low unemployment. The growth continued into 2006, and as the economy grew, it spurred dynamic growth in Idaho's business sector and created thousands of new jobs. Addressing the dynamics of growth is the greatest challenge facing the Industrial Commission and the Crime Victims Compensation Program.

The Idaho Industrial Commission has a long history of rising to challenges and creating opportunities. Today, we are responding to the dynamics of growth by working diligently to impartially and efficiently administer the Idaho Workers' Compensation and Crime Victims Compensation Laws. This report will detail the dynamic growth occurring in Idaho, and how the Industrial Commission is actively managing that growth.

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## **VISION**

To be the premier administrator of workers' compensation and crime victims' programs in the nation.

## **MISSION**

To impartially and efficiently administer the Idaho Workers' Compensation Law in a manner that ensures compliance with insurance requirements, prompt and accurate benefit payments, equitable judicial review and dispute resolution, and quality vocational rehabilitation services for injured workers.

To assist innocent victims of crime recover from the traumatic effects of crime by providing financial assistance and community education in accordance with state and federal law.

## **GUIDING PRINCIPLES**

- Quality Customer Service
- Impartiality
- Accessible Services
- Ethical Practices and Behavior
- Cost Effective and Efficient Operations

### **MAJOR ACCOMPLISHMENTS FOR FY 2006**

1. Referrals for rehabilitation services increased ten percent (10%) over the previous fiscal year.
2. 1,480 injured workers successfully returned to gainful employment through the services of the Rehabilitation Division.
3. Despite the increasing complexity of workers' compensation claims, and the inherent difficulty in resolving these matters, the Adjudication Division & Commissioners maintained a forty-five (45) day average in reaching decisions.
4. The Mediation Program reached an all time high success rate of 94.7%.
5. Worked cooperatively with the Idaho Legislature to amend the Crime Victims Compensation Act to provide for additional benefits for eligible victims who have exhausted their mental health benefits and who are experiencing extenuating circumstances that require additional mental health treatment.
6. The value of the Certified Idaho Workers' Compensation Specialist program continues to be felt statewide with the request to conduct five 3-day courses around the state. These courses trained 109 workers' compensation professionals in 2006.

7. Implemented an on-line Coverage Verification Service allowing Commission customers immediate access to employer policy information through the Commission's website.
8. A pamphlet for pro se workers' compensation litigants was developed and published to assist them through the legal process before the Commission.
9. Fourteen (14) audits of self-insured employers were conducted to assure proper reporting of payroll, payment of premium tax, and deposit of securities. These efforts by the Fiscal Department ensured that all self-insured employers operated under the same standards of regulatory compliance.
10. Developed partnerships with several Family Justice Centers in multiple regions of the state to provide comprehensive, coordinated services to victims of child abuse and domestic violence.
11. Outreach and community education efforts helped to increase the number of sexual assault examination cases filed with the program by approximately 237%, and the number of applications filed with the program by approximately 43%.



STRATEGY + EXECUTION =

# SUSTAINED RESULTS

*The Compensation Division of the Industrial Commission is made up of Administration, Fiscal, Human Resources, Information Technology, Employer Compliance, and Benefits Administration. This section of the annual report will focus on Employer Compliance, Benefits Administration, and Fiscal.*





## EMPLOYER COMPLIANCE

Employer Compliance works to ensure that employers comply with their statutory obligation, under Chapter 2, Idaho Code, to obtain appropriate workers' compensation coverage for affected employees. Ensuring that the coverage requirement is met provides medical and indemnity coverage for employees who were unprotected, works to level the economic playing field for all employers, and adds premium dollars to the workers' compensation system that were previously missing.

Idaho's growing population and economy has impacted Compliance immensely. The fertile economy has also increased the demand for goods and services. Employers are relocating to the state in record numbers. The transplanted employers are often unfamiliar with Idaho's coverage requirements; necessitating contact from the Industrial Commission. New employers are also competing with established businesses for customers. The increase in competition has motivated some employers to reduce costs any way possible. Regardless of the reason, an employer without a policy is contacted by Employer Compliance to determine if workers' compensation insurance is needed.

This year, Employer Compliance contacted 18,393 employers regarding a lack of workers' compensation insurance. This is an increase of 9% from the previous year. The number of contacts made by Compliance will only continue to increase as Idaho grows. In the last five years alone, the number of employer contacts made by the department has increased by 34%.

### DEPARTMENT GOAL-

*The goal of the Employer Compliance department is to ensure that all employers legally required to provide insurance coverage for their employees are, in fact, doing so. An employee's income, medical bills and other benefits should be protected if they are injured on the job. Furthermore, it is unfair competition in the business community when some employers are abiding by the law and paying insurance premiums while others are not.*

## Operation

Employer Compliance has eight Investigators located throughout the state. The Investigators work with employers to ensure that the statutory requirement to carry workers' compensation insurance is met. One of their primary responsibilities is to educate employers about workers' compensation insurance. Many first time employers are unaware of Idaho's workers' compensation requirements, and estab-

lished employers sometimes struggle with the difference between an employee and an independent contractor. Investigators also focus on public outreach programs. The Commission has partnered with several state agencies to create the Small Business Information Forum. The forums are a free service designed to educate new businesses about the legal requirements of operating a business in Idaho.

*In Fiscal Year 2006 the Industrial Commission partnered with NCCI to offer an employer coverage verification service. Through the Commission's website (<http://www.iic.idaho.gov>), the public can now look-up an employer to see if a workers' compensation insurance policy is in place. The service is used several thousand times each month, and has greatly reduced the number of coverage calls placed to Employer Compliance.*

Through its enforcement and investigative effort, in Fiscal Year 2006, Employer Compliance increased the number of employers carrying workers' compensation insurance by over 2,700. The procurement of insurance by these employers ensured that an additional 21,608 employees were protected under the Workers' Compensation Law.

Employers who fail to carry workers' compensation insurance for their employees are subject to legal action in district court. The Commission's legal team includes two attorneys from the Idaho Attorney General's office and two paralegals. During the last fiscal year, 170 judgments were obtained and substantial penalties were collected from employers without the required workers' compensation coverage.

**EMPLOYER COMPLIANCE****FY 03****FY 04****FY 05****FY 06****Employer Correspondence**

New employers	8,039	8,772	10,974	12,260
Notice of cancellation received	6,828	7,084	5,828	6,133
Total	14,867	15,856	16,802	18,393

**Results of Correspondence**

No employees	2,260	2,274	1,898	2,633
Out of Business	664	560	474	656
Insurance obtained	4,902	5,099	4,110	4,955
Will obtain insurance	2,540	2,152	2,155	2,780
Insurance not required	1,056	1,042	942	1,151

**Referred to Investigator**

North Idaho	1,250	1,342	1,375	1,378
Southwest Idaho	782	704	736	804
Central Idaho	1,856	2,288	2,470	2,835
South Central Idaho	697	788	782	679
Southeast Idaho	896	1,075	1,072	1,108
Total	5,481	6,197	6,435	6,804

**Results of Investigation**

Insurance obtained	2,261	2,653	2,667	2,601
Insurance not required	2,864	3,222	3,615	3,881
Failed to obtain-referred for legal action	171	271	389	422

**Legal Action**

When an employer is unwilling to cooperate with a Compliance Investigator the case is referred to the Attorney General's office. The Commission has two full-time Deputy Attorneys General that work on these cases. The attorneys make every effort to bring the employer into compliance voluntary, but not all employers are amicable. The attorneys will file a lawsuit when an employer fails to obtain insurance.

Operating a business without workers' compensation insurance can be very expensive. The Commission has the authority to assess a penalty of \$25 per day or \$2 per day per employee, whichever is greater, for everyday an employer is out of compliance. In conjunction with the authority to assess penalties, the Commission can also seek an injunction in district court to prevent an employer from operating until a policy is secured.

## Claims & Fatalities by Industry\*

FY 04

FY 05

FY 06

Top 10

Claims Fatalities Claims Fatalities Claims Fatalities

Manufacturing	5,974	1	6,131	6	6,462	1
Construction	4,852	4	5,404	4	6,312	4
Retail Trade	5,782	3	5,732	1	5,823	4
Health Care & Social Assistance	4,153	0	4,141	1	4,168	1
Waste Management Remediation	2,806	2	2,863	4	2,744	2
Accommodation & Food Services	2,434	0	2,367	1	2,599	1
Wholesale Trade	2,495	2	2,547	4	2,502	0
Agriculture / Forestry	2,257	7	2,213	13	2,465	4
Educational Services	1,981	4	1,959	0	2,023	1
Transportation / Warehousing	1,531	7	1,439	5	1,540	10

**Total (All Industries): 42,353 35 42,347 48 44,622 36**

\* The Industrial Commission follows the North American Industry Classification System (NAICS) standard for classifying industries. The US NAICS Manual can be obtained by calling the National Technical Information Service (NTIS) at 1-800-553-6847.

## BENEFITS ADMINISTRATION

Benefits Administration serves to ensure the timely and accurate payment of benefits to injured workers, the timely payment of medical bills, and that insurance companies follow Idaho Code, Title 72, when managing claims. The section works with claimants, employers, insurance companies, and attorneys to meet this obligation.

Last year, Idaho's workforce grew by more than 50,000 employees, an increase of 7.5%. Yet, the rapid escalation in Idaho's population and workforce did not lead to an increase in the relative number of workers' compensation claims filed. In fact, the number of claims per 100 employees dropped to 6.19, down by more than 15% over the last ten years.

Even though the relative number of claims has decreased, Benefits Administration processed 2,277 more claims in Fiscal Year 2006 than it did in 2005. The increase represents hundreds of additional claims processed per person by the department staff.

Administration of the claims process is divided between Compensation Consultants, administration support staff, and records / reception staff. The Compensation Consultants answer questions about the claims process and educate claimants, employers, medical providers, insurance adjusters, and attorneys about workers' compensation laws and procedures. Consultants also audit insurance companies to ensure compliance with Idaho's Workers' Compensation Law.

The claims administrative support staff enter manually submitted First Report of Injury forms (IC-1) and check electronically received claims for accuracy. Claims staff are also responsible for reviewing medical records and other pertinent documents in order to audit and approve Summaries of Payment (SOP) submitted by the claims administrator when disability ends for each time loss claim.

Benefits staff also conduct extensive outreach programs for adjusters, employers, medical providers and others with a stake in the workers' compensation system. The department offers several education and training opportunities such as the Certified Idaho Workers' Compensation Specialist (CIWCS) course, Medical Provider Workshops, and the Employer Education and Evaluation (EEE) program.

### **CIWCS COURSE-**

*This in-depth training and testing program focuses on Idaho workers' compensation issues. The curriculum covers compensability, claims reporting and processing requirements, medical fee payment disputes, average weekly wage, disability: temporary, permanent, partial and total, permanent partial impairment, death benefits, auditing of claims files, change of physician, subrogation, and Commission departments and functions. To date, over 225 certificates have been issued.*

### **EEE PROGRAM-**

*This training program is designed for employers to help identify potential sources of increased exposure to liability and to outline strategies for reduction of claim costs.*

*For more information please visit the Commission's website at <http://www.iic.idaho.gov>.*

Claims	FY 04	FY 05	FY 06
<b>Workers' Compensation Claims</b>	42,353	42,347	44,622
Medical only	35,748	35,796	38,039
Compensable time-loss	6,559	6,501	6,520
Impairment only	10	1	27
Fatalities	35	48	36
Average filed per working day	160	160	169
Non-insured claims filed	77	52	35
<b>Compensable time loss claims</b>			
Claims still open	8,200	7,929	8,498
Claims closed	8,272	8,127	7,360
Medical paid on claims closed	\$85,830,287.13	\$89,633,046.98	\$92,101,018.73
Average per claim closed	\$10,376.00	\$11,029.04	\$12,513.72
Indemnity paid on claims closed	\$87,370,498.53	\$85,643,701.42	\$82,598,156.74
Average per claim closed	\$10,562.20	\$10,538.16	\$11,222.57
<b>Claims Closed by Lump Sum Settlement</b>	2,150	2,303	2,153

## Claim Frequency

A key issue facing employers and workers' compensation insurers is whether the recent declines in claim frequency over the last fifteen years will continue. Rates in Idaho, and across the country, have been on the decline. The reduction in rates throughout the country have been linked to declines in claim frequency and decreases in medical and indemnity severities.

Claim frequency in Idaho has been on the decline as the ratio of injuries per 100 workers fell this year to 6.19, down from 6.3 in

FY 2005. While there is some variation, the facts clearly show that a decline in workers' compensation claim frequency has occurred in all major industry groups and spanned almost all occupations.

The decline in claim frequency has been met by an increase in medical and indemnity severities. Medical severity has increased an alarming 20.5%, per claim, in just two years. Indemnity severity per claim is also increasing, albeit at a much slower pace of 6.2% in the same two years.

# FISCAL ACTIVITY FOR FISCAL YEAR 2006

	FY 2005	FY 2006
<b>Workers' Compensation Receipts:</b>		
Premium tax, workers' compensation	9,104,400	10,172,300
Premium tax penalties	10,000	700
Employer Compliance penalties	612,300	804,600
Interest earnings on investments	204,700	368,500
Unemployment appeals, Special Indemnity Fund services	366,000	255,000
Miscellaneous receipts	30,700	85,100
Federal receipts, Census of Fatal Occupational Injuries	2,300	1,000
Annual seminar receipts	30,200	39,400
<b>Total Workers' Compensation Revenues</b>	<b>\$10,360,600</b>	<b>\$11,726,600</b>
<b>Workers' Compensation Disbursements:</b>		
Compensation Division	2,859,600	3,200,800
Rehabilitation Division	3,070,000	3,265,400
Adjudication Division	1,483,500	1,682,500
Division of Building Safety	1,251,300	1,056,700
Annual seminar expenditures	20,800	24,900
Federal grant, Census of Fatal Occupational Injuries	2,100	1,500
<b>Total Workers' Compensation Disbursements</b>	<b>\$8,688,000</b>	<b>\$9,231,800</b>
<b>Crime Victims Compensation Program Revenues:</b>		
Fines remitted by counties	1,702,200	1,786,100
Federal grant	864,200	763,200
Restitution/subrogation	324,200	295,400
Contributions/donations	123,600	112,000
Miscellaneous receipts	6,700	43,500
<b>Total Crime Victims Program Receipts</b>	<b>\$3,020,900</b>	<b>\$3,000,200</b>
<b>Crime Victims Program Disbursements</b>		
Crime Victims Program administration	588,400	683,600
Crime Victims Program trustee/benefits, state	1,629,600	1,518,700
Crime Victims Program trustee/benefits, federal	611,600	832,900
<b>Total Crime Victims Program Disbursements</b>	<b>\$2,829,600</b>	<b>\$3,035,200</b>
<b>Total Agency Revenues</b>	<b>\$13,381,500</b>	<b>\$14,726,800</b>
<b>Total Agency Disbursements</b>	<b>\$11,517,600</b>	<b>\$12,267,000</b>
<b>Cash Balance, Individual Funds</b>		
Industrial Administration fund	6,217,300	8,698,500
Crime Victims Program fund	3,086,200	3,121,000
Federal grant	255,500	185,400
Annual seminar account	26,000	40,500
<b>Total Cash Balance, Individual Funds</b>	<b>\$9,585,000</b>	<b>\$12,045,400</b>
<b>Number of Employees (Full-Time Equivalent)</b>		
Compensation Division	54.75	54.75
Rehabilitation Division	50.75	50.75
Adjudication Division	22	22
Crime Victims Compensation Program	10	12
<b>Total Number of Employees</b>	<b>137.5</b>	<b>139.5</b>



INSURANCE COMPANY STATISTICS: CALENDAR YEAR 2005				
SURETY	Private Insurers (Top 20 by Premium Earned)			
	PREMIUM EARNED	EMPLOYERS COVERED	CLAIMS FILED	TOTAL PAID
Private Insurers (Top 20 by Premium Earned)				
Liberty Northwest Ins. Corp.	\$41,122,242	279	5,155	\$21,442,373
Advantage Workers' Compensation Ins. Co.	14,989,809	122	1,715	7,913,873
Zurich American Ins. Co.	13,139,416	328	1,250	2,755,423
Ins. Co. of the State of Pennsylvania	8,398,722	91	850	399,150
American Home Assurance Co.	7,441,902	220	1,076	1,444,419
Travelers Property Casualty Co. of America	6,335,333	182	766	358,969
Ace American Ins. Co.	5,793,570	73	423	2,743,549
Associated Loggers Exchange	5,552,307	53	210	3,571,712
Workers' Compensation Exchange	4,886,132	6	288	2,785,097
Employers Insurance Co. of Wausau	2,894,287	196	226	1,681,190
Sentry Ins.	2,775,900	62	278	925,001
New Indemnity Ins. Co. of North America	2,383,718	19	257	1,323,736
Liberty Ins. Corp.	2,210,833	87	682	2,034,815
Fidelity & Guaranty Ins. Co.	1,773,685	30	250	85,504
Old Republic Ins. Co.	1,737,535	36	504	234,701
Hartford Ins. Co. of the Midwest	1,592,890	56	195	472,278
Travelers Indemnity Co.	1,584,703	251	90	195,317
Twin City Fire Ins. Co.	1,436,652	328	116	203,783
New Hampshire Ins. Co.	1,434,443	41	17	0
American Casualty Co.	1,387,358	48	186	982,252
Totals for all Private Insurers (325)	\$146,980,014	9,877	17,231	\$78,116,991
State Insurance Fund	\$223,053,081	5,416	22,504	\$116,706,864
Self Insured Employers (27)	\$31,031,443	27	3,105	\$13,527,437
Totals for all Insurers	\$401,064,538	15,320	42,840	\$208,351,292



**All figures based on data collected from January 1, 2005 through December 31, 2005**

*The Idaho Industrial Commission offers rehabilitation services for injured workers. Employees are the state's greatest business asset. It is essential to the fiscal health of the state to quickly return injured workers to the labor force.*

PEOPLE + PARTNERSHIPS=

**PROGRESS**

## REHABILITATION SERVICES

The Industrial Commission has provided premier vocational rehabilitation services to Idaho's injured workers for 28 years. In addition to assisting injured workers, the successful Rehabilitation Division has enabled employers to reduce their workers' compensation costs by returning their injured workers back to gainful employment and helping those workers through the recovery process. These services are provided at no additional cost to the employer, insurer, or employee.

The Industrial Commission has monitored an increase in medical and time loss payments over the past several years. While there are a number of factors contributing to this increase, some can be attributed to many of the distinct challenges faced by the workers' compensation industry throughout the United States, including more severe injuries, an aging workforce, and diverse inflationary factors seen in other areas dealing with human health.

These escalating costs indicate the growing value of rehabilitative services as a way to assist insurers and employers manage the cost of workplace injuries. It has become increasingly important to assist injured workers in the transition of employment opportunities so they may continue to be productive and self-supporting members of the workforce. To enhance the Rehabilitation Division's commitment to provide quality service to injured workers, the division purchased the Idaho Career Information System (CIS). This web-based system assists with vocational planning, job search and résumé development, career exploration, interest assessment,

**REHABILITATION CASES****FY 04****FY 05****FY 06**

New referrals	2,510	2,378	2,615
Served	3,865	3,715	3,824
Closed after evaluation	357	303	235
Provided rehabilitation services	3,508	3,412	3,589
Rehabilitated cases	1,405	1,439	1,480
Closed / not rehabilitated	685	677	588
Closed / not rehabilitated, claimant returned to work	81	88	95

**RE-EMPLOYMENT MODEL-**

*-Pre-injury position with  
pre-injury employer*

*-Modified position with pre-  
injury employer*

*-Alternative position, often  
light duty, with pre-injury  
employer*

*-New job with new employer*

*-On-the-job training with  
new employer*

*-More formal retraining to  
update skills*

and provides objective labor market information that is exclusive to Idaho.

During Fiscal Year 2006, 3,589 workers were provided rehabilitation services. Of injured workers who returned to work through the services of the Rehabilitation Division, 87% returned to at least 90% of their pre-injury wage. Through modified or accommodated work situations, 67% returned to their time-of-injury employer. Additionally, the Rehabilitation Division has maintained its goal of quick response to all new referrals and continues to contact injured workers, employers, medical providers and sureties, gather detailed in-depth information, and develop a vocational plan; all within the average time of 9.27 days.

As the population of Idaho continues to increase, the Rehabilitation Division will remain committed to the mission of pursuing an early return to work for injured workers, striving for restoration of pre-injury status and wage and assisting employers in cost reduction by proactive solutions with job modification, alternative employment, and job placement.

OBJECTIVE + BALANCE=

# IMPARTIAL REVIEW

*The Idaho Industrial Commission is an administrative court, and provides decisions in workers' compensation disputes between workers and employers. The Commission is also the upper level reviewing authority for unemployment insurance decisions issued by the Idaho Department of Commerce & Labor.*

*Parties wishing to contest a workers' compensation claim must use the Alternative Dispute Resolution program or file for a formal hearing before the Commission. The decisions issued by the Commission are final. Parties unhappy with the decision can file for a reconsideration before the Commission or they can appeal the decision to the Idaho Supreme Court.*

## ADJUDICATION

The workers' compensation system was developed as the sole remedy for employees injured on the job. This system acts to protect the employer from civil liability stemming from employment related injuries. Further, it was designed to provide workers with timely access to medical treatment and specific payment amounts for injuries occurring in the course of employment.

The Adjudication Division is the judicial arm of the Industrial Commission. The Division hears, reviews and rules on cases when a party to a claim files a complaint with the Industrial Commission. Full evidentiary hearings are held when requested or when necessary. Hearings are either held before a referee or the Commissioners. In their judicial capacity, the three Commissioners function as a three-judge panel.

A majority of workers' compensation claims are resolved without involvement of the Adjudication Division. Cases that do require legal intervention are either processed through a formal hearing process or mediated through the Commission Alternative Dispute Resolution Program (ADR).

Over 1,000 complaints were filed with the Commission during Fiscal Year 2006. During this time, only 2.2% of all industrial accident claims were referred to the Division. There were 44,622 claims filed with the Industrial Commission, and the Adjudication Division held 120 hearings, issued 84 decisions, and mediated 881 claims.

The Alternative Dispute Resolution (ADR) program provides relief to the parties to a workers' compensation claim by offering an efficient, quick, and cost-effective alternative to litigation. The goal of the ADR program is to resolve disputes quickly and eliminate the need for hearings or rulings on motions. Since the introduction of the ADR program in 1993 more than 5,404 claims have been mediated.

The Idaho Industrial Commission's mediation services are free of charge, informal, voluntary, and are non-binding. Each negotiation is presided over by a trained Commission mediator. The services are available at any stage of a claim to assist the involved parties in reaching a successful resolution of the dispute. During the 2006 fiscal year, 830 out of 881 claims were successfully mediated. This represents a record 95% success rate.

The Commissioner, in conjunction with Benefits Administration, review and approve lump sum settlement agreements (LSSA). The Commission is bound by statute to review applications for settlement to determine whether all legal requirements are met, and to ensure the agreement is in the "best interests of all parties." LSSA agreements may not be approved for a number of reasons, but primarily for failing to show why the agreement factually supports the "best interest" standard.

A secondary function of the Adjudication Division is to settle disputes between sureties and medical providers. When a dispute arises, either the medical provider or the sureties can challenge contested charges and payments to the Industrial Commission for a ruling. The Commission will evaluate the evidence and then issue a binding administrative order to resolve the medical fee disputes.

### **MEDICAL FEES-**

*In 2005 the Idaho Legislature mandated a medical fee schedule for workers' compensation based on Medicare's Resource-Based Relative Value Scale (RBRVS). A temporary schedule was enacted for 2006 and a pending rule with a new schedule is awaiting approval by the 2007 legislature.*

**ADJUDICATION ACTIVITY****FY 04****FY 05****FY 06**

Complaints Filed	1,223	1,248	1,113
Hearings Held	123	113	120
Lump Sum Settlements Approved	769	781	795
Dismissals	264	256	284
Decisions Issued	109	94	84
Appeals to the Supreme Court	12	13	12
Decisions Affirmed	2	4	7
Decisions Reversed / Remanded	2	4	3
Dismissed	3	3	2

**MEDIATION ACTIVITY**

Mediations Held	468	486	425
Claims Mediated	724	938	881
Claims Resolved	632	851	830

**UNEMPLOYMENT ACTIVITY**

Total Appeals	656	617	541
Total Decisions	668	668	578
Reconsiderations	39	37	33

**Unemployment Appeals**

The Idaho Industrial Commission is the upper level reviewing authority for unemployment insurance decisions issued by the Idaho Department of Commerce & Labor (ICAL). Once an unemployment insurance case is heard and ruled on by ICAL, that decision may be appealed to the Industrial Commission. Interested parties have fourteen days from the date the ICAL decision is mailed to file an appeal of that decision with the Industrial Commission.

All appeals filed with the Commission are assigned a referee. The referee reviews the case documents and the hearing tape. Based on this review, the referee prepares a written decision for approval by the Commissioners. Neither the Commissioners nor the referee is bound by the findings and the conclusions of ICAL. The decision issued by the Commission is a new decision in the case and can only be appealed to the Idaho Supreme Court.



# CLAIMS & ADJUDICATION STATISTICS BY COUNTY

COUNTY	TOTAL EMPLOYMENT*	# OF CLAIMS FILED	CLAIMS PER 100 EMPLOYEES	FATALITIES	TOTAL TIME LOSS CASES FILED**	LSSA*** APPROVED	# OF COMPLAINTS FILED****	# OF W/C HEARINGS HELD	# OF W/C DISPOSITIONS *****
Ada	185,553	13,224	7.13%	7	1,867	161	244	24	263
Adams	1,803	73	4.05%	0	25	5	1	0	6
Bannock	39,346	1,913	4.86%	1	304	41	47	6	57
Bear Lake	3,060	85	2.78%	0	17	1	2	0	2
Benewah	3,820	330	8.64%	1	77	10	17	2	11
Bingham	20,811	891	4.28%	5	153	18	29	5	31
Blaine	14,101	909	6.45%	1	174	10	16	1	17
Boise	3,653	75	2.05%	0	18	1	0	0	2
Bonner	20,055	986	4.92%	3	210	29	43	5	39
Bonneville	48,704	2,944	6.04%	3	551	69	110	10	97
Boundary	3,880	169	4.36%	0	42	14	9	0	16
Butte	1,179	25	2.12%	0	3	1	1	1	2
Camas	597	12	2.01%	0	4	0	0	0	1
Canyon	76,862	4,973	6.47%	1	825	89	100	13	120
Caribou	3,228	133	4.12%	0	20	4	2	0	5
Cassia	9,916	741	7.47%	0	128	16	27	3	24
Clark	523	16	3.06%	0	1	0	2	0	0
Clearwater	3,100	188	6.06%	2	40	5	12	2	6
Custer	2,609	117	4.48%	0	23	3	3	1	5
Elmore	10,467	386	3.69%	0	62	7	3	0	10
Franklin	6,091	197	3.23%	0	22	3	3	0	3
Fremont	5,975	148	2.48%	0	35	10	8	1	10
Gem	7,187	218	3.03%	0	52	3	4	0	5
Gooding	8,266	454	5.49%	0	79	4	10	3	7
Idaho	6,818	357	5.24%	2	78	10	11	1	14
Jefferson	10,524	446	4.24%	0	73	12	15	3	19
Jerome	10,168	808	7.95%	1	150	14	15	1	19
Kootenai	65,931	4,708	7.14%	1	656	79	103	10	119
Latah	17,466	740	4.24%	0	113	11	16	0	14
Lemhi	3,994	129	3.23%	1	35	6	3	0	7
Lewis	1,733	106	6.12%	0	21	3	2	1	4
Lincoln	2,495	44	1.76%	0	15	1	2	0	1
Madison	14,750	864	5.86%	0	112	17	24	1	22
Minidoka	9,298	590	6.35%	0	103	8	17	0	11
Nez Perce	18,180	1,417	7.79%	0	286	40	54	10	62
Oneida	2,237	49	2.19%	0	4	1	2	0	2
Owyhee	4,861	257	5.29%	0	50	4	5	0	12
Payette	9,739	431	4.43%	0	71	6	10	1	9
Power	3,639	197	5.41%	1	44	6	10	0	6
Shoshone	5,439	355	6.53%	0	59	5	23	2	10
Teton	4,443	118	2.66%	0	29	1	2	1	4
Twin Falls	37,831	2,555	6.75%	2	363	39	62	6	59
Valley	4,665	360	7.72%	1	59	4	4	1	6
Washington	4,773	357	7.48%	1	67	5	6	0	5
Other	-	527	-	2	93	19	34	5	24
<b>TOTALS:</b>	<b>719,769</b>	<b>44,622</b>	<b>6.19%</b>	<b>36</b>	<b>7,213</b>	<b>795</b>	<b>1,113</b>	<b>120</b>	<b>1,168</b>

\* Source: Idaho Department of Commerce & Labor    \*\* Includes impairment-only & fatal cases

\*\*\* Lump Sum Settlement Agreement    \*\*\*\* By county of accident

\*\*\*\*\* Post-hearing decisions, stipulations, lump-sum settlements, and dismissals including non-compensable, medical-only, and indemnity cases

*The Idaho Crime Victims Compensation Program was established in 1986 to provide assistance to crime victims who suffer personal injuries. Since it was established, the Program has served over 21,000 victims of crime in Idaho without relying on a single tax dollar.*

ASSISTANCE + COMPASSION=  
**RECOVERY**

## CRIME VICTIMS COMPENSATION PROGRAM

The Idaho Industrial Commission, through the Crime Victim Compensation Program, offers social and financial assistance to victims of violent crime and their families. The Program offers compensation to crime victims for expenses incurred as a result of their victimization. Eligible reimbursements may include lost wages, medical, funeral, and counseling expenses up to a maximum of \$25,000.

To date, the Program has assisted over 21,000 victims of crime, and provided over \$27,000,000 in financial assistance. In Fiscal Year 2006, the Program received 2,000 applications for assistance, paying an average of \$3,100 per claim. Nearly 83% of these cases involved criminal misconduct against women and children.

Funding for the Program is primarily received from fines levied on misdemeanor (\$25.00) and felony (\$50.00) convictions and a \$200.00 penalty for sex offense convictions. The Program also receives funding from a Federal Victims of Crime Act (VOCA) grant, court ordered restitution, recovery from civil suits filed against offenders and from contributions. The Program works to ensure that victims of violence and their dependents receive needed assistance without the use of taxpayer dollars.

In Fiscal Year 2001 the Program established a Financial Recovery Department to work cooperatively with the courts to hold offenders financially responsible by aggressively seeking reimbursement through restitution and subrogation. The judge pre-

### **PURPOSE-**

*The Idaho Crime Victims Compensation Program provides assistance to victims for financial losses associated with a crime when other resources are not available to cover those expenses. The Program believes that offenders should be held accountable for costs associated with their criminal activity, and actively pursues restitution.*

## PERSONAL PERSPECTIVE-

*"I realized that the Crime Victims Compensation Program has another important function. It is much more than a financial assistance program. Through its funding of the victim's healing process, it improves the emotional ability of victims to fulfill their role in the prosecution process."*

*--Recipient*

siding over the criminal case determines how much the offender is to pay and to whom. Funds recovered by the program are used to provide assistance to victims of crime throughout Idaho.

In June 2006 the Program celebrated their 20th anniversary of providing assistance to crime victims. The celebration was attended by victim service professionals from across the state. Featured speakers included the Executive Director of the National Association of Crime Victims' Compensation Boards and a recipient of compensation benefits. The recipient provided first-hand insight into the impact that compensation benefits has on crime victims.

Since 2001, the Program has been responsible for administering payment of sexual assault forensic examinations statewide. The Program's early involvement in sexual assault and child sexual assault cases has resulted in a 165% increase in the number of victims seeking treatment for physical

## Services

Although crime rates have declined dramatically in recent years, only a fraction of the Nation's estimated 29 million victims have access to comprehensive, quality services in the aftermath of a crime. It has been shown that victims, including those who live in remote areas, victims with disabilities, and victims who speak little or no English, find it difficult to get needed assistance after a crime. Services such as crisis intervention and counseling, financial

assistance, and criminal justice advocacy can be essential to helping a crime victim recover both physically and emotionally. The Crime Victims Compensation Program is committed to improving a victim's access to such services. The Program strives to educate providers throughout the state to ensure that victims of crime are aware of the services available to them. Due to these efforts, Idaho has one of the highest accessibility ratings in the nation.

## Legislative Change

In the 2006 session the Idaho Legislature amended the Crime Victim Compensation Law regarding mental health benefit limits for victims. The legislature recognized that some victims may require additional mental health treatment, beyond the statutory benefit cap of \$2,500, to assist them in recovering from the trauma arising from a criminal

act. Under the new law, if the Commission finds extenuating circumstances, the victim may be eligible for additional benefits to assist them in getting additional treatment. The victim's mental health needs will be evaluated annually and is subject to the total benefits maximum of \$25,000.

and emotional injuries. Over half of all the cases filed with the Program involve sexual related offenses.

Similar to other Divisions within the Industrial Commission, the Crime Victims Compensation Program has been severely impacted by Idaho's growing population. In the last five years alone, the number of claims filed with the Program has increased by 72%. To keep pace with the demand for services, the Program added a Customer Service Representative and a Claims Examiner in Fiscal Year 2006.

In conjunction with administering the Crime Victim's Act, the Bureau Chief and his staff continue work with local government entities and private non-profit organizations to educate the public about the Program and to reach out to victims of crime. Outstanding relationships have been built with law enforcement, hospitals, care providers, crisis centers, and other victim programs to increase awareness of the services available to them through the Program.

### **CLAIM PROCESS-**

*In Idaho, a claim for benefits under the Crime Victims Compensation Act may be filed by:*

*-A victim*

*-The spouse or children of a deceased victim*

*-Authorized persons, such as a parent or guardian of a victim who is a minor*

**CRIME VICTIM CASES****FY 04****FY 05****FY 06**

Cases Filed	1,757	1,912	2,000
Family Assistance Applications Filed	155	186	216
Eligibility Decisions Made	1,391	1,389	1868
Awards Made	1,115	1,096	1427
Denials Made	275	293	440

**APPEALS SUMMARY**

Total Appeals Filed	56	76	91
Bureau Chief Reconsiderations	47	69	77
Hearings	9	7	14

**FINANCIAL ACTIVITY\***

Total Revenue**	2,579,639	3,020,833	3,000,271
Total Expenses	2,731,121	2,829,512	3,035,169
Benefits Paid	2,153,986	2,241,110	2,351,567
Administrative Costs	577,135	588,402	683,602

*\* Figures rounded to the nearest dollar*

*\*\* Includes both state and federal funds*

**Funding**

The Victims of Crime Act (VOCA) funds contribute significantly to the victim compensation programs in operation in all 50 states, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, and the territory of Guam. The primary source of funding are federal fines and offender restitution. These funds help crime victims pay for expenses such as medical bills, mental health counseling, lost wages, and other crime-related costs.

In Fiscal Year 2006, the Office for Victims of Crime (OVC) awarded approximately \$143,418,000 to compensation programs.

By statute, each year state victim compensation programs receive an allocation of 60% of the total amount their program paid out to victims in the previous two-year period. The Idaho Crime Victims Compensation Program received \$763,242 in federal funds in Fiscal Year 2006.

# CLAIMS, PAYMENTS & REVENUE BY COUNTY

COUNTY	GENERAL CLAIMS ONLY	GENERAL WITH SAE*	SAE CLAIMS ONLY	TOTAL CLAIMS	GENERAL CLAIMS APPROVED	GENERAL CLAIMS DENIED	SAE BENEFITS PAID	GENERAL BENEFITS PAID**	FINES COLLECTED**	RESTITUTION RECEIVED**
Ada	314	312	49	675	453	172	\$87,033	\$683,120	\$482,904	\$85,030
Adams	3	4	0	7	4	2	999	229	8,426	286
Bannock	78	1	4	83	68	5	2,746	99,787	133,080	8,430
Bear Lake	0	0	0	0	1	0	0	3,394	5,831	0
Benewah	2	0	1	3	1	1	0	10,617	10,571	3,515
Bingham	23	2	1	26	20	5	920	44,742	51,776	2,818
Blaine	14	2	7	26	17	2	4,320	70,874	23,949	5,825
Boise	9	7	0	16	7	2	2,334	10,883	9,883	325
Bonner	38	2	0	40	31	8	2,961	44,826	49,120	4,199
Bonneville	50	5	17	72	58	11	5,310	87,687	105,488	4,625
Boundary	9	0	0	9	9	1	0	2,767	17,890	202
Butte	1	0	0	1	0	2	0	0	3,551	0
Camas	1	0	1	2	1	0	0	0	1,379	0
Canyon	244	141	10	395	294	98	20,568	433,048	189,820	5,226
Caribou	3	0	0	3	2	1	0	216	8,416	0
Cassia	17	1	4	22	14	1	2,650	15,680	32,805	1,954
Clark	0	0	0	0	0	0	0	0	2,099	0
Clearwater	9	2	1	12	12	1	363	3,360	10,854	3,019
Custer	1	0	0	1	1	0	0	0	3,575	1,130
Elmore	17	16	5	38	23	13	3,399	17,864	23,640	325
Franklin	3	0	4	7	5	0	244	1,652	10,938	830
Fremont	7	0	0	7	10	0	0	5,986	14,676	3,419
Gem	20	16	0	36	25	8	517	16,321	19,329	5,044
Gooding	15	4	9	28	13	1	1,913	16,982	20,271	986
Idaho	12	3	0	15	12	3	2,294	9,150	26,175	1,140
Jefferson	5	2	1	8	7	1	56	1,714	20,983	2,725
Jerome	11	1	5	17	17	1	0	43,440	24,134	2,622
Kootenai	97	13	7	117	117	23	8,564	169,592	137,915	26,419
Latah	21	3	3	27	23	2	2,410	46,329	32,183	702
Lemhi	7	0	0	7	4	5	0	9,947	6,918	0
Lewis	0	0	0	0	0	0	0	213	5,410	0
Lincoln	5	2	4	11	5	1	1,020	3,380	6,319	497
Madison	8	2	1	11	8	1	2,793	8,871	14,904	0
Minidoka	18	4	7	29	19	5	341	15,942	20,202	224
Nez Perce	40	1	1	42	28	6	1,877	48,538	52,488	12,852
Oneida	2	0	0	2	1	1	0	226	5,250	0
Owyhee	5	4	2	11	7	0	2,131	30,316	11,806	4,695
Payette	16	17	1	34	25	13	1,947	26,898	35,695	1,236
Power	4	1	1	6	5	1	0	6,511	10,845	738
Shoshone	6	0	0	6	7	2	0	22,848	17,739	0
Teton	0	0	3	3	2	2	2,986	1,819	9,370	387
Twin Falls	42	10	28	80	48	11	31,684	106,918	67,626	15,182
Valley	11	7	1	19	15	8	2,154	26,790	25,881	1,490
Washington	1	8	1	10	8	2	0	3,973	14,037	1,178
Out of State	4	15	1	20	0	18	1,584	2,388	0	0
Unknown	6	0	13	19	0	0	0	0	0	877
<b>TOTALS:</b>	<b>1,199</b>	<b>608</b>	<b>193</b>	<b>2,000</b>	<b>1,427</b>	<b>440</b>	<b>\$198,116</b>	<b>\$2,155,840</b>	<b>\$1,786,147</b>	<b>\$210,151</b>

\* SAE = Sexual Assault Exam

\*\* Columns may not add up due to dollar rounding



# Field Offices

## **Burley**

127 W. 5th N., Suite A  
Burley, ID 83318  
Phone: 208-678-3332  
Fax: 208-677-3616

## **Coeur d'Alene**

1111 W. Ironwood Drive, Suite A  
Coeur d'Alene, ID 83814  
Phone: 208-769-1452  
Fax: 208-769-1465

## **Idaho Falls**

1820 E. 17th, Suite 300  
Idaho Falls, ID 83404  
Phone: 208-525-7248  
Fax: 208-525-7013

## **Kellogg**

35 Wildcat Way, Suite B  
Kellogg, ID 83837  
Phone: 208-786-4600  
Fax: 208-786-7110

## **Lewiston**

1118 "F" Street  
Lewiston, ID 83501  
Phone: 208-799-5035  
Fax: 208-799-3482

## **Nampa**

847 Parkcentre Way, Suite 7  
Nampa, ID 83651  
Phone: 208-442-8341  
Fax: 208-442-8344

## **Payette**

501 N. 16th  
Payette, ID 83661  
Phone: 208-642-9417  
Fax: 208-642-6163

## **Pocatello**

1070 Hilina, Suite 300  
Pocatello, ID 83201  
Phone: 208-236-6399  
Fax: 208-236-6040

## **Sandpoint**

2101 West Pine St.  
Sandpoint, ID 83864  
Phone: 208-263-5747  
Fax: 208-265-9637

## **Twin Falls**

1411 Falls Avenue East, Ste 915  
Twin Falls, ID 83301  
Phone: 208-736-4700  
Fax: 208-736-3053

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